



PRIVACY POLICY

R.J. O'Brien (MENA) Capital Limited

September 2020

Introduction

Welcome to the privacy policy of R.J. O'Brien (MENA) Capital Limited ("RJO", "we", "us").

As part of our day-to-day business, RJO needs to collect personal information from our customers and potential customers to ensure that we can meet their needs for a range of financial services and provide them with information about our services. Your privacy is important to us and we are committed to protecting your confidential information and personal data.

Purpose of this Privacy Policy

This privacy policy aims to give you information on how RJO and our associated companies may use, collect and process your personal data, including any data you may provide to our system, when you sign up to our newsletter, purchase a product or service from us. Companies are associated with us if they are our subsidiaries or we are both subsidiaries of the same corporate entity.

It is important that you read this privacy policy together with any other privacy notice we may provide on specific occasions when we are collecting or processing personal data about you so that you are fully aware of how and why we are using your data. This privacy policy supplements the other notices and is not intended to override them. This privacy policy is designed to comply with the Dubai International Financial Centre's (**DIFC**) Data Protection Law No. 5 of 2020 (**DP Law**).

Please also use the Glossary to understand the meaning of some of the terms used in this privacy notice. If our privacy policy changes, we will notify you.

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1. Important information and who we are

Controller

RJO is the Controller of any personal information which you provide to us which means that we decide the purposes and means of the processing of that personal information.

We have appointed a data privacy manager who is responsible for overseeing questions in relation to this privacy policy. If you have any questions about this privacy policy, including any requests to exercise your legal rights, please contact the data privacy manager using the details set out below.

Contact details

If you want to help with our Privacy Policy or have questions about it, please contact our Data Privacy Manager whose contact details are below:

Full name of legal entity: R.J. O'Brien (MENA) Capital Limited

Name or title of data privacy manager: General Counsel, EMEA

Email address: dpsupport@rjobrien.com

Postal address: 100 Cheapside, London EC2V 6DY

Telephone number: +44 (0) 20 3872 3379

If you are unhappy about any aspect of the way we collect, share or use your personal information, we would like you to tell us. You can contact us using the details above.

If you are not happy with our response, you have the right to make a complaint at any time to the DIFC Commissioner's Office, by email at commissioner@dp.difc.ae or through the DIFC switchboard on +971(0)4 362 2222. We would, however, appreciate the chance to deal with your concerns before you approach the DIFC Commissioner's Office so please contact us in the first instance.

Your duty to inform us of changes

It is important that the personal data we hold about you is accurate and current. Please keep us informed if your personal data changes during your relationship with us.

2. The data we collect about you

Personal data, or personal information, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data).

We may collect, use, store and transfer different kinds of personal data about you which we have grouped together follows:

- **Identity Data** includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth and gender.
- **Contact Data** includes billing address, delivery address, email address and telephone numbers.
- **Financial Data** includes bank account and payment card details.
- **Transaction Data** includes details about your trading account, account history, activity, orders, your trading knowledge and experience, payments to and from you and other details of products and services you have purchased from us.
- **Technical Data** includes information about your use of our facilities, internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform and other technology on the devices you use to access our system.
- **Usage Data** includes information about how you use our products and services.
- **Marketing and Communications Data** includes your preferences in receiving marketing from us and our third parties and your communication preferences.

We also collect, use and share **Aggregated Data** such as statistical or demographic data for any purpose. Aggregated Data may be derived from your personal data but is not considered personal data in law as this data does **not** directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your personal data so that it can directly or indirectly identify you, we treat the combined data as personal data which will be used in accordance with this privacy notice.

We do not collect any **Special Categories of Personal Data** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, trade union membership, information about your health and genetic and biometric data). Nor do we collect any information about criminal convictions and offences.

If you fail to provide personal data

Where we need to collect personal data by law, or under the terms of a contract we have with you and you fail to provide that data when requested, we may not be able to perform the contract we have or are trying to enter into with you (for example, to provide you with goods or services). In this case, we may have to cancel a product or service you have with us but we will notify you if this is the case at the time.

Joint applicants

You should only give us personal information about someone else (such as a joint applicant) with their permission. Where information is provided by you about someone else, or someone discloses information about you, it may be added to any personal information that is already held by us and it will be used in the ways described in this privacy policy. Sometimes, when you open a joint account or product, this may mean that your personal information will be shared with the other applicant. For example, transactions made by you will be seen by your joint account holder and vice versa.

3. How your personal data is collected

We use different methods to collect data from and about you including through:

Direct interactions. You may give us your Identity, Contact and Financial Data by filling in forms or by corresponding with us by post, phone, email or otherwise. This includes personal data you provide when you:

- apply for our products or services;
- subscribe to our service or publications;

- request marketing to be sent to you;
- give us some feedback.

Third parties or publicly available sources. We may receive personal data about you from various third parties and public sources as set out below:

- Introducing brokers, credit reporting and reference agencies.
- Technical Data from analytics providers.
- Contact, Financial and Transaction Data from providers of technical, payment and delivery services including payment agents, banks, prime brokers, market makers, liquidity providers, settlement agents, clearers based inside or outside the DIFC.
- Identity and Contact Data from publicly available sources such as the DIFC Public Register and the DFSA Public Register.

4. How we check your identity and use your personal data

To comply with money laundering regulations, we need to confirm the name and address of our customers. We may ask you to provide physical forms of identity verification when you open your account. Alternatively, we may use a credit reference agency to verify your identity.

We will only use your personal data when the law allows us to. Most commonly, we will use your personal data for the following purposes:

- where we need to perform the contract we are about to enter into or have entered into with you.
- where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- where we need to comply with a legal or regulatory obligation.

Generally, we do not rely on consent as a legal basis for processing your personal data other than in relation to sending third party direct marketing communications to you via email or text message. You have the right to withdraw consent to marketing at any time by [contacting us](#).

Purposes for which we will use your personal data

We have set out below, in a table format, a description of all the ways we plan to use your personal data, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal data for more than one lawful ground depending on the specific purpose for which we are using your data. Please [contact us](#) if you need details about the specific legal ground we are relying on to process your personal data where more than one ground has been set out in the table below.

Purpose/Activity	Type of data	Lawful basis for processing including basis of legitimate interest
To register you as a new customer and consider your applications including obtaining information about your relevant investment knowledge and experience	(a) Identity (b) Contact	(a) Performance of a contract with you b) Necessary to comply with a legal obligation
To process and deliver your order including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us (c) Carry out risk assessment (d) Detect or prevent fraud or other crimes	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Technical (f) Usage (g) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests

<p>To manage our relationship with you which will include:</p> <ul style="list-style-type: none"> (a) notifying you about changes to our terms or privacy policy, (b) resolving queries or issues, (c) reviewing your ongoing needs, (d) provide evidence in any dispute or anticipated dispute between you and us (e) investigate any complaints (f) submit and disclose reportable data 	<ul style="list-style-type: none"> (a) Identity (b) Contact (c) Marketing and Communications 	<ul style="list-style-type: none"> (a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)
<p>To administer and protect our business (including business and disaster recovery, document retention/storage, troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data) and to ensure the quality of the services we provide to you</p>	<ul style="list-style-type: none"> (a) Identity (b) Contact (c) Technical 	<ul style="list-style-type: none"> (a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise) (b) Necessary to comply with a legal obligation
<p>To deliver relevant advertisements to you and measure or understand the effectiveness of the advertising we serve to you</p>	<ul style="list-style-type: none"> (a) Identity (b) Contact (c) Usage (d) Marketing and Communications (e) Technical 	<p>Necessary for our legitimate interests (to study how customers use our products/services, to develop them, to grow our business and to inform our marketing strategy)</p>
<p>To use data analytics to improve products/services, marketing,</p>	<ul style="list-style-type: none"> (a) Technical (b) Usage 	<p>Necessary for our legitimate interests (to define types of customers for our products and</p>

customer relationships and experiences, train our staff		services, to develop our business and to inform our marketing strategy)
To provide you with the information, products and services that you request from us and make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage	Necessary for our legitimate interests (to develop our products/services and grow our business)

Marketing

We strive to provide you with choices regarding certain personal data uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical and Usage Data to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

Where you have consented to direct marketing, we may send you marketing material from time to time by post or by email.

Opting out

You can ask us to stop sending you marketing messages at any time by following the opt-out links ("unsubscribe") on any marketing message sent to you or by [contacting us](#) at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal data provided to us as a result of a service purchase, a service experience or other transactions.

Change of purpose

We will only use your personal data for the purposes for which we collected it. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal data without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

5. Disclosures of your personal data

We may have to share your personal data with the parties set out below:

- the Dubai Financial Services Authority and any other public authority we may be subject to for the purpose of demonstrating compliance with Applicable Laws and regulations or to reply to a request;
- such third parties as we reasonably consider necessary in order to prevent crime, e.g. the police;

- our associated companies for the purpose of administering your trading account and orders, providing trading and/or clearing services to you;
- where reasonably necessary, to any third-party service providers and specialist advisers who provide us with administrative, financial, research or other services in connection with the services we provide to you;
- our auditors for the purposes of carrying out financial and regulatory audits;
- our agents, including credit reference agencies, acting on our behalf, carrying out such credit and identity checks, including money laundering checks, compliance regulatory reporting and fraud prevention checks, as we may reasonably consider necessary or desirable. Any third party referred to in this clause may share any personal information concerning you with us and other organisations involved in credit reference, the prevention of fraud and/or crime and/or money laundering or for similar purposes or to recover debts involved;
- introducing brokers, market makers, liquidity providers, prime brokers, clearing and settlement agents, exchanges, clearing houses and trade repositories, as applicable;
- courts, tribunals and regulatory authorities as agreed or authorised by law to enable us to enforce our agreement with you, comply with the requirements of a court, regulator or government agency;
- anyone authorised by you, as notified by you to us;
- the purchaser or potential purchaser of one or more of our businesses or service lines and their professional advisers; and

We require all third parties to respect the security of your personal data and to respect your right to privacy and comply with the data protection principles and this policy.

Please note that disclosure to the trade repositories or regulators may also result in certain anonymous transaction and pricing data becoming available to the public.

6. International transfers

We share your personal data within the RJO Group. This will involve transferring your data outside the DIFC.

Whenever we transfer your personal data out of the DIFC, we ensure a similar degree of

protection is afforded to it by ensuring at least one of the following safeguards is implemented:

- We will only transfer your personal data to countries that have been deemed to provide an adequate level of protection for personal data by the DIFC. For further details, see [DIFC: Data Protection Regulations; Appendix 3 - Adequate Jurisdictions.](#)¹
- Where we use certain service providers or transfer your data to an affiliate outside an Adequate Jurisdiction, we may use specific contracts approved by the DIFC which gives personal data the same protection it has in the DIFC. For further details, see [DIFC data protection forms.](#)²

Please [contact us](#) if you want further information on the specific mechanism used by us when transferring your personal data out of the DIFC.

7. Data security

We have put in place appropriate security measures to prevent your personal data from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your personal data to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal data on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected personal data breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

8. Data retention

How long will you use my personal data for?

We will only retain your personal data for as long as necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, accounting, or reporting requirements.

To determine the appropriate retention period for personal data, we consider the amount, nature, and sensitivity of the personal data, the potential risk of harm from unauthorised use or disclosure of your personal data, the purposes for which we process your personal data and whether we can achieve those purposes through other means, and the applicable legal requirements.

By law we have to keep basic information about our customers (including Contact, Identity, Financial and Transaction Data) for seven years after they cease being customers.

¹ https://www.difc.ae/files/9315/9358/7756/Data_Protection_Regulations_2020.pdf

² <https://www.difc.ae/business/operating/data-protection/forms-fees/>

In some circumstances you can ask us to delete your data: see **Request Erasure** below for further information.

In some circumstances we may anonymise your personal data (so that it can no longer be associated with you) for research or statistical purposes in which case we may use this information indefinitely without further notice to you.

9. Your legal rights

Under certain circumstances, you have rights under data protection laws in relation to your personal data. You have the legal right to:

Withdraw Consent

Where we are relying on consent to process your personal data. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.

Request Access

You have the right to request access to your personal data. This enables you to receive a copy of the personal data we hold about you and to check that

Rectification

You have the right to request that we rectify or correct personal data that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected, though we may need to verify the accuracy of the new data you provide to us.

Request Erasure

You have the right to require us to erase your Personal Data. This enables you to ask us to delete or remove personal data where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal data where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal data to comply with local law. Note, however, that we may not always be able to comply with your request of erasure for specific legal reasons which will be notified to you, if applicable, at the time of your request.

Object to Processing

At any time, you have the right to object to Processing of Personal Data relating to you where such Processing is carried out on the basis that: (i) it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in us; or (ii) it is necessary for the purposes of the legitimate interests, where applicable, of a Controller or of a Third Party. You have the right to be informed before Personal Data is disclosed for the first time to third parties or used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object to such disclosures or uses, subject to any provision of this DP Law that does not permit disclosure; and where Personal Data is Processed for direct marketing purposes, object at any time to such Processing, including Profiling to the extent that it is related to such direct marketing. If you sign up to receive newsletters or other e-mail messages from us, you can opt-out at any time free of charge by clicking the unsubscribe link at the bottom of the message. You may also choose to opt-out from receiving marketing materials from us by contacting us. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your rights and freedoms.

Object to Automated Individual Decision Making

This enables you to object to any decision based solely on automated processing, including profiling, which produces legal consequences concerning you or other seriously impactful consequences and to require such decision to be reviewed manually. This shall not apply if the decision is necessary for entering into, or performance of, a contract between you and the Controller; authorized by *Applicable Law* to which the Controller is subject and which also lays down suitable measures to safeguard your rights; or based on your explicit consent.

Restrict Processing

You have the right to require us to restrict Processing of your personal data. This enables you to ask us to suspend the processing of your personal data in the following scenarios: (a) if you want us to establish the data's accuracy; (b) where our use of the data is unlawful but you do not want us to erase it; (c) where you need us to hold the data even if we no longer require it as you need it to establish, exercise or defend legal claims; or (d) you have objected to our use of your data but we need to verify whether we have overriding legitimate grounds to use it.

Transfer Personal Data

You have the right to request the transfer of your Personal Data to you or to a third party. We will provide to you, or a third party you have chosen, your personal data in a structured, commonly used, machine-readable format. Note that this right only applies to automated information which you initially provided consent for us to use or where we used the information to perform a contract with you.

Exercising Rights

If you wish to exercise any of the rights discussed above, you may contact us by:

- Email address: dpsupport@rjobrien.com;
- Postal address: 100 Cheapside, London EC2V 6DY; or
- Telephone number: +44 (0) 20 3872 3379

10. Governing law

This privacy policy is governed by the DIFC's Data Protection Law No. 5 of 2020.

11. Glossary

Applicable Law means all applicable laws, statutes, codes, ordinances, decrees, rules, regulations, municipal by-laws, judgments, orders, decisions, rulings or awards of any government, quasi-government, statutory or regulatory body, ministry, government agency or department, court, agency or association of competent jurisdiction.

Commissioner the person appointed by the President pursuant to Article 43(1) of the Law to administer the Law.

Comply with a legal or regulatory obligation means processing your personal data where it is necessary for compliance with a legal or regulatory obligation that we are subject to.

Controller any person who alone or jointly with others determines the purposes and means of the Processing of Personal Data.

Data Subject the identified or identifiable Natural Person to whom Personal Data relates.

DIFC the Dubai International Financial Centre.

Identifiable Natural Person means a natural living person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one (1) or more factors specific to his biological, physical, biometric, physiological, mental, genetic, economic, cultural or social identity (and "Identified Natural Person" is interpreted accordingly).

Joint Controller any Controller that jointly determines the purposes and means of Processing with another Controller.

Legitimate Interest means the interest of our business in conducting and managing our business to enable us to give you the best service/product and the best and most secure experience. We make sure we consider and balance any potential impact on you (both positive and negative) and your rights before we process your personal data for our legitimate interests. We do not use your personal data for activities where our interests are overridden by the impact on you (unless we

have your consent or are otherwise required or permitted to by law). You can obtain further information about how we assess our legitimate interests against any potential impact on you in respect of specific activities by [contacting us](#).

Performance of Contract means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.

Personal Data any information referring to an identified or Identifiable Natural Person.

Personal Data Breach a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise Processed.

Processor any person who Processes Personal Data on behalf of a Controller.

Special Categories of Personal Data means Personal Data revealing or concerning (directly or indirectly) racial or ethnic origin, communal origin, political affiliations or opinions, religious or philosophical beliefs, criminal record, trade-union membership and health or sex life and including genetic data and biometric data where it is used for the purpose of uniquely identifying a natural person.

Third Country a jurisdiction other than the DIFC, whether in the UAE or elsewhere.

12. Third Parties

Internal Third Parties

Other companies in the RJO Group acting as Joint Controllers or processors and who are based in the United Kingdom or Germany to provide client services, IT and system administration services, data backup and undertake transaction reporting.

External Third Parties

- Service providers acting as processors based in the EEA or in the United States who provide IT and system administration services.
- Professional advisers acting as processors including lawyers, bankers, auditors and insurers based in the EEA who provide consultancy, banking, legal, insurance and accounting services.
- HM Revenue & Customs, regulators and other authorities acting as processors based in the United Kingdom who require reporting of processing activities in certain circumstances.
- Introducing brokers, market makers, clearers, settlement agents, liquidity providers, prime brokers, trade repositories, exchanges and clearing houses acting as processors based in the EEA who may provide trading, clearing and settlement services in relation to your transaction.